IN THE HIGH COURT OF UTTTARAKHAND AT NAINTAL.

Writ Petition No. 990(S/S)07

Hrendra Singh S/o Sri Darban Singh,
R/o village Airoli, Patwari Circle-Mathar,
Tehsil Gairsian, District Chamoli. -----Petitioner.

Vs.

1. State of Uttarakhand through Secretary Education,
   Civil Secretariat, Uttarakhand, Dehradun,
2. Director of School Education,
   Uttarakhand, Dehradun,
3. Principal, District Education & Training Institute,
   Gauchar, District Chamoli, ----Resopndents.

Sri R.P. Nautiyal, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri R.P. Nautiyal, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand/respondents.

The petitioner has preferred the instant writ petition for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari calling for the records and quashing the merit list/result dated 17.07.2007 (annexure no. 5 to this writ petition), issued by Principal, District Education & Training Institute, Gauchar, District Chamoli-respondent no.3, so far as it relates to the petitioner;

ii. Issue any writ, order or direction in the nature of mandamus commanding the respondent authorities to treat the candidature of petitioner in the merit list/

result dated 17.07.2007 (annexure no. 5 to the writ petition), issued in Principal, District Education & Training Institute, Gauchar, District Chamoli-respondent no. 3 and accordingly consider the candidature of petitioner for interview in 6 months Special B.T.C. training in District Chamoli;

iii. Pass any other and further orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

iv. Award the costs of the writ petition to the petitioner.

Stand of the petitioner is that he applied for 6 months Special B.T.C. Training Course for the year 2006-07, however he has not been declared successful. It is further contended that the petitioner has not been awarded quality point marks for his National Service Scheme Certificate (for brevity NSS Certificate). In support of his version, the petitioner has filed NSS certificate issued by the Hemwati Nandan Bahuguna Garhwal University, Sri Nagar.

Learned Standing Counsel has submitted that as per the instructions received, the petitioner is not having the qualifying two years' NSS Certificate, which is mandatory under the Govt. Order for awarding additional Marks.

On the contrary, learned counsel for the petitioner has submitted that the petitioner conducted the complete course for his NSS Certificate in B.A.-I and B.A.-II, as in the certificate issued by the University, it is specifically stated that the petitioner has rendered 240 hrs. service under National Service Scheme (Regular Activities) during the Session 1992-93 and has also attended the Special NSS Camp. Learned counsel for the

petitioner has drawn attention of the Court towards annexure no.7 to the writ petition indicating therein that the petitioner sought clarification from Coordinator/Principal H.N.B. Garhwal University, Srinagar, regarding the earlier certificate issued to him for NSS Training and in the clarification dated 19th July 2007 it is stated by the Coordinator/Principal of the College that the petitioner is having NSS in B.A.II from Govt. P.G. College, Karnaprayad, Chamoli in the sessions 1991-92 to 1992-93 and he has regularly worked for 240 hrs., besides it he has attended ten days' special camp.

In the forgoing circumstances, the petitioner is directed to approach to the Director of School Education, Govt. of Uttarakhand, Dehradun, by moving representation before him alongwith a certified copy of this order, within a period of one week from today and, in case, the petitioner complies with the order of this Court, the Director of Schools Education shall take decision of the representation of the petitioner within a period of one week from the of production of a certified copy of this order

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 7,2007:
NCM: